

**REGULAR MEETING OF THE  
PLANNING & ZONING COMMISSION  
8750 MCKINNEY ROAD  
FRISCO, TEXAS 75034  
TUESDAY, August 29, 2000 - 6:30 P.M.**

**MINUTES - Revised**

**1. Call to Order/Roll Call**

Chairman Buddy Minett called the meeting to order at 6:33pm.

Those present: Chairman Buddy Minett, Commissioners Scott Seifert, Jon Ferguson, Steve Hulsey and Richard Caplan.

Staff present: John Lettelleir, Director of Planning, Doug Mousel, Planner, Frank Jaromin, City Engineer, Rebecca Brewer, City Attorney and Sanet Garrett, Planning Secretary.

Those absent: Commissioner John Hamilton.

**2. Consider and act upon approval of Minutes of the July 25, 2000 and the August 8, 2000, Planning and Zoning Meeting.**

Commissioner Caplan moved to approve the Minutes of July 25, 2000 and the August 8, 2000 Planning and Zoning Meetings.

Commissioner Hulsey seconded the Motion. Motion carried. Vote - unanimous.

**CONSENT AGENDA**

Consent Agenda item 3B was pulled for separate discussion.

Commissioner Hulsey moved to approve Consent Agenda items 3A and 3C through 3H subject to staff comments. Commissioner Ferguson seconded the Motion. Motion carried. Vote - unanimous.

**3A. Request to Call a Public Hearing**

**DM Applicant(s): City of Frisco**

A request to call a Public Hearing to amend the Comprehensive Zoning Ordinance regarding building height.

**REMARKS:**

Each zoning district listed in the Zoning Ordinance specifies a maximum building height for the district. In addition to regulating the height of structures within each district, the Zoning Ordinance allows water stand pipes and tanks, church steeples, domes, and spires, school buildings, and institutional buildings to be erected to exceed three stories in height provided front, side, and rear yards are increased one foot for every foot that such structure exceeds three stories.

While building heights may be exceeded for church steeples, domes, and spires, the current ordinance does not allow increased building heights for architectural features of other non-residential buildings. Staff has received inquiries into increased building heights for architectural features in conjunction with office and retail buildings. Staff feels that there may be merit to increasing building height for architectural features. Therefore, staff recommends that the Planning and Zoning Commission call a public hearing to discuss amending the Comprehensive Zoning Ordinance regarding building height.

**RECOMMENDATION:**

Recommended that the Planning & Zoning Commission call a public hearing to amend the Comprehensive Zoning Ordinance regarding building height.

**3B. Request to: Call a Public Hearing****DM Applicant(s): City of Frisco**

A request to call a Public Hearing to amend the Comprehensive Zoning Ordinance regarding the regulation of personal property sale signs, balloons or other floating devices, and banner signs.

Following review and discussion with regards to amending the Sign Ordinance, Commissioner Caplan moved to table Item 3B. The motion died due to the lack of a second.

Commissioner Ferguson moved to approve the request subject to Staff Comments. Commissioner Hulsey seconded the Motion. Motion carried. Vote - 3-1.

Vote aye: Commissioners Seifert, Ferguson and Hulsey.

Vote nay: Commissioner Caplan.

**REMARKS:**

At their August 15, 2000, meeting, the City Council received testimony from a local business owner opposed to the prohibition of balloons and other floating devices. In addition, the City Council discussed variations to the current regulations of personal property sale signs (garage sale signs). Following these discussions, the City Council directed staff to prepare an ordinance to amend the sign regulations regarding balloons and personal property sale signs. Staff has also received input that the maximum size of banner signs is too restrictive. A public hearing is required to amend the sign regulations. Therefore, staff recommends that the Planning & Zoning Commission call a public hearing to amend the Comprehensive Zoning Ordinance accordingly.

**RECOMMENDATION:**

Recommended that the Planning & Zoning Commission call a public hearing to amend the Comprehensive Zoning Ordinance regarding the regulation of personal property sale signs, balloons or other floating devices, and banner signs.

**3C. Final Plat & Revised Site Plan: Chrysler Addition Block 1, Lot 1**  
**SN Applicant(s): Chrysler Realty Corp.**

An automobile dealership on one lot on 10.0± acres on the west side of Preston Road, 1,325± feet north of Lebanon Road. Zoned Commercial-1. Neighborhood #23.

**REMARKS:**

The applicant has modified the plans from the original approval. The rear portion of the property was shown as a large vehicle storage area. The site plan now shows this area to remain undeveloped for now and be constructed in a future phase of development. The building size has changed. The current building is 24,700 square feet which is larger than the applicant's last submittal. The City Council remanded the site plan and plat back to the Planning and Zoning Commission to make a recommendation on the reconfigured plans. The modified plan conforms to the previously approved preliminary site plan. Parking and landscaping and screening are adequate.

The final plat dedicates the necessary easements for the development.

**RECOMMENDATIONS:**

Recommend for approval subject to:

Final Plat:

1. Additions and/or alterations to the engineering plans as required by the Engineering Department.
2. Staff approval of the street name for the proposed collector street.

Site Plan:

1. Staff approval of landscape and screening plans.

**3D. Final Plat: Starwood, Phase Three - Village No. 13**  
**DM Applicant(s): Blue Star Land, L.P.**

60 Single-Family lots and an open space lot on 29.4± acres on the northwest corner of South Texas Drive and Legacy Drive. Zoned Planned Development-106. Neighborhood #22.

**REMARKS:**

The final plat shows 60 single-family lots developed to Planned Development-106-Type "A" standards and an open space lot. Access is provided by two streets extending from South Texas Drive. Lots backing to Legacy Drive and South Texas Drive will either be screened by an open space lot with landscaping, or a six-foot masonry wall with three-inch caliper trees planted on an average of 30 feet on center in 20 feet of additional right-of-way dedicated for screening and landscaping purposes.

Alley Waiver

Alleys are not provided to serve the lots along the perimeter of this subdivision. The Subdivision Ordinance requires alleys to be provided along the rear of all lots unless the City Council waives the requirement for alleys by determining that utilities and access are adequately provided to the lots. The absence of alleys does not interrupt solid waste collection patterns or create any circulation problems. With the approval of the preliminary plat, the City Council granted the authority to the City Engineer to waive the alley requirement subject to no lot to lot drainage. Because lots have been designed without lot to lot drainage, the City Engineer is waiving the requirement for alleys.

Overlength Street

The subdivision ordinance states that streets shall not be more than 1,200 feet in length. Road "D", extending from Road "A" to Road "B", exceeds this requirement by approximately 250 feet. The City Council authorized a variance for this overlength street with their approval of the preliminary plat.

**RECOMMENDATION:**

Staff recommends approval subject to:

1. Additions and/or alterations to the engineering plans as determined by the Engineering Department.
2. Staff approval of landscape and screening plans.

**3E. Site Plan, Final Plat &**

**DM Conveyance Plat: Hall Office Park, Phase G, Block A, Lots 1-3**

**Applicant(s): Hall Financial Group, Ltd. and Hall Phoenix / Inwood, Ltd.**

Two office buildings on three lots on 22.1± acres at the northwest corner and southwest corner of Network Boulevard and Internet Boulevard. Zoned Planned Development-59. Neighborhood #34.

**REMARKS:**

The site plan shows a two-story building consisting of 119,130 square feet on Lot 2. The site plan conforms to the approved preliminary site plan. Access is provided from Internet Boulevard. A final plat has been approved for the construction of Internet Boulevard. Final acceptance of Hall Office Park - Phase G, Block A, Lot 2 is subject to final acceptance of Internet Boulevard. Parking and landscaping are adequate.

A masonry screening wall will not be constructed between Stonebriar Creek Estates, a residential subdivision to the west, and this property. Planned Development-59 allows existing vegetation or a six-foot earthen berm within a 30-foot landscape buffer to provide screening between the properties. The applicant has elected to supplement existing vegetation with additional landscape plantings to include shade trees, ornamental trees, and shrubs.

The final plat dedicates easements necessary for development of the site. The conveyance plat creates Lot 3 and also dedicates easements necessary for development of the site. Several off-site easements are necessary for development of the site. These sanitary sewer, water, fire lane, access, and utility easements must be obtained and filed prior to a city release for construction.

**RECOMMENDATION:**

Recommended for approval subject to:

Site Plan

Staff approval of the landscape plan.

Final Plat

1. Additions and/or alterations to the engineering plans as required by the Engineering Department.
2. Filing of off-site sanitary sewer, water, fire lane, access, and utility easements prior to city release for construction.

**3F. Revised Preliminary Site Plan: Frisco Veterinary General Hospital**

**DM Applicant(s): Preston Rolater Land & Cattle Company, Inc.**

A veterinary clinic on one lot on 0.8± acre on the east side of Preston Road, 600± feet north of John Wesley Road. Zoned Commercial-1. Neighborhood #19.

**REMARKS:**

The revised preliminary site plan shows a one-story veterinary clinic consisting of 6,200 square feet. The facility will not contain outdoor pens. The applicant is developing the site in accordance with the Preston Road Overlay District standards. The building elevations will consist of a minimum of 20% natural stone. The front building line is being reduced to 30 feet with no parking or driveways located between Preston Road and the building. Meandering sidewalks will be constructed along Preston Road. Parking and landscaping are adequate.

The applicant was unable to proceed with development of his property in accordance with the previously approved preliminary site plan, because the applicant was unable to acquire an off-site fire lane easement from the property to the east. Therefore, the applicant has redesigned the site to provide two points of access while eliminating the need for the off-site fire lane easement. Access is provided from Preston Road and an off-site fire lane and access easement to the south. Cross access is provided to the property to the north and east of the site to allow these

adjacent properties to access the median opening in Preston Road adjacent to this site. The location of the access easements does not compromise circulation on the adjacent properties.

**RECOMMENDATION:**

Recommended for approval as submitted.

**3G. Site Plan & Final Plat: Parkwood @ Frisco Bridges, Block A, Lot 1**

**DM Applicant(s): EIS KAP Investments, LLC and Sealy and Company, Inc.**

Two office buildings on one lot on 24.3± acres on the west side of Parkwood Boulevard, 770± feet north of Warren Parkway. Zoned Planned Development-25. Neighborhood #30.

**REMARKS:**

The site plan shows two one-story office buildings consisting of 102,975 square feet. The site plan conforms to the approved preliminary site plan. Access is provided from three driveways extending from Parkwood Boulevard. Access easements will provide cross access to future office or retail developments to the north and south. Parking and landscaping are adequate.

The final plat dedicates easements necessary for development of the office buildings. An off-site sanitary sewer easement is necessary for development of the site. This easement must be obtained and filed prior to a city release for construction.

**RECOMMENDATION:**

Recommended for approval subject to:

Site Plan

Staff approval of landscape plans.

Final Plat

1. Additions and/or alterations to the engineering plans as required by the Engineering Department.
2. Filing of the off-site sanitary sewer easement prior to a city release for construction.

**3H. Final Plat and Site Plan: 4<sup>th</sup> Army Substation Addition Block A, Lot 1**

**SN Applicant(s): Brazos Electric Power Cooperative**

An electrical substation on one lot on 3.7± acres on the east side of 4<sup>th</sup> Army Memorial Road, 2,200± feet north of Lebanon Road. Zoned Industrial with SUP #77 for an Electrical Substation. Neighborhood #33.

**REMARKS:**

The site plan shows an electrical substation with a 6-foot masonry wall along the perimeter of the property. A living screen with evergreen and shade trees is being provided to further screen the facility. Parking and landscaping are adequate.

The applicant's intends to use the City's grey water line that has been extended from the adjacent water treatment facility for irrigation.

The final plat dedicates the necessary easements for this development.

**RECOMMENDATIONS:**

Recommend for approval subject to:

Final Plat:

1. Additions and/or alteration to the engineering plans as required by the Engineering Department.

Site Plan:

1. Staff approval of landscape and screening plans.

**END OF CONSENT AGENDA**

## **PUBLIC HEARINGS**

### **4. Public Hearing: Zoning Case Z2000-42**

#### **JW Applicant(s): City of Frisco**

A request to amend the Comprehensive Zoning Ordinance to remove the zoning districts Original Town (OT) and Single Family-6 (SF-6). And create two new zoning districts: Original Town Commercial (OTC) and Original Town Residential (OTR) and make administrative changes to the ordinance as they relate to the proposed amendments.

Jeff Witt, Planner reviewed staff comments with the Commission. Chairman Minett requested Mr. Witt to review Item 5 at the same time as the two cases were linked.

Commissioner Hulseley moved to open the meeting for Item 4 for a Public Hearing. Commissioner Ferguson seconded the Motion. Motion carried. Vote - unanimous.

Commissioner Caplan moved to remove Item 5 from the table for a Public Hearing. Commissioner Hulseley seconded the Motion. Motion carried. Vote - unanimous.

Speaking for the requests of Item 4 only: Michael Madson and Robert Warren.

Speaking against the request of Item 4: Sarah Cooney, Pastor Tracy Jantz, Sharon Fox, Lynda Polhsek and James Vandeventer.

Speaking in opposition to Items 4 and 5: Tony Felkor, Tammy Kurth, Jim Hignight and Roslyn Rood. Ken Seyler spoke on Multi-Family zoning, as this was not addressed in the proposal.

Commissioner Hulseley moved to close the meeting for a Public Hearing. Commissioner Ferguson seconded the Motion. Motion carried. Vote - unanimous.

After extensive discussions, Commissioner Caplan moved to table items 4 and 5 for 60 days and continue the Public Hearing. Commissioner Hulseley seconded the Motion. Motion carried. Vote - unanimous.

### **5. Public Hearing: Zoning Case Z2000-41**

#### **JW Applicant(s): City of Frisco**

A request to rezone 184.7± acres from Single Family-5, Single Family-6, Multi-Family-1, Office, Commercial-2, Industrial, Original Town to Original Town Commercial and Original Town Residential on the north side of Hickory Street, east of North and South County Road, south of Maple Street, and 400± feet north of F.M. 720 west to the Dallas North Tollway. Neighborhood #46, 40, 11, 21, and 20. Tabled 8/8/00.

See Agenda Item 4.

**6. Public Hearing: Zoning Case SUP2000-29**

**JW Applicant(s): Frisco EZ Storage, L.L.C.**

Request for a Specific Use Permit (SUP) for a Self-Storage/Mini-Warehouse on 5.5± acres on the south side of Stonebrook Parkway, 600± feet west of Woodstream Drive. Zoned Commercial-1. Neighborhood #23.

Jeff Witt, Planner requested this item remain on the table for further staff review.

Following review and discussion, Commissioner Hulsey moved to table this item to the September 12, 2000 Planning and Zoning Meeting and continue the Public Hearing. Commissioner Ferguson seconded the Motion. Motion carried. Vote - unanimous.

**7. Public Hearing: Zoning Case Z2000-39**

**JW Applicant(s): Greg Morse, Trustee**

A request to rezone 19.5± acres from Agricultural to Information Technology on the south side of FM 720, 3,300± feet west of Dallas North Tollway. Neighborhood #41.

Jeff Witt, Planner requested this item remain on the table for further staff review.

Following review and discussion, Commissioner Ferguson moved to table this item to the September 26, 2000 Planning and Zoning Meeting and continue the Public Hearing. Commissioner Hulsey seconded the Motion. Motion carried. Vote - unanimous.

The Commission stated that they will act on this at the September 26, 2000 Planning and Zoning meeting.

**8. Public Hearing: Specific Use Permit SUP2000-24**

**SN Applicant(s): Frisco Bible Church & Legacy Christian Academy**

Request for a Special Use Permit (SUP) for a Private School on one lot on 12.5± acres on the north side of C.R. 710, 500± feet west of Rogers Road. Zoned Agriculture with SUP-52 for a Church and SUP- for a Private School. Neighborhood #11. Tabled 6/27/2000

Doug Mousel, Planner reviewed staff comments with the Commission and requested this item to be denied.

Commissioner Caplan moved to remove the item from the table. Commissioner Hulsey seconded the Motion. Motion carried. Vote - unanimous.

Following review and discussion, Commissioner Hulsey moved to deny the request. Commissioner Seifert seconded the Motion. Motion carried. Vote - unanimous.

**9. Public Hearing: Historic Landmark H2000-01**  
**DM Applicant(s): William C. and Susanne E. Kerley**

A request for Historic Landmark designation on 0.6± acre located on the northeast corner of North County Road and Oak Street. Zoned Single-Family-5. Neighborhood #11.

Doug Mousel reviewed staff comments with the Commission. Following review and discussion, Commissioner Seifert moved to open the meeting for a Public Hearing. Commissioner Hulsey seconded the Motion. Motion carried. Vote - unanimous.

Speaking in support of the request: William Kerley and Sarah Cooney. There being no one else present to speak for or against the request, Commissioner Hulsey moved to close the meeting for a Public Hearing. Commissioner Seifert seconded the Motion. Motion carried. Vote - unanimous.

Following review and discussion regarding the applicability of historic landmark designation, Commissioner Ferguson moved to approve the request subject to Staff Comments. Commissioner Hulsey seconded the Motion. Motion carried.

Voting aye: Commissioners Hulsey, Ferguson and Seifert.  
Voting nay: Commissioner Caplan.

**REMARKS:**

This is a request for Historic Landmark designation for the home at 7546 Oak Street, the northeast corner of North County Road and Oak Street. Zoning and land use of the surrounding properties are as follows:

Direction	Land Use	Zoning	Comprehensive Plan
North	Single-Family Home	Single-Family-5	Single-Family Residential
East	Single-Family Home	Single-Family-5	Single-Family Residential
South	Single-Family Home	Single-Family-5	Single-Family Residential
West	Single-Family Home	Single-Family-5	Single-Family Residential

In making Historic Landmark designation, the Planning & Zoning Commission and City Council shall consider one or more of the following criteria. The applicant's responses to the applicable criteria are also listed.

- 1) Character, interest or value as a part of the development, heritage or cultural characteristics of the City of Frisco, Counties of Collin and Denton, State of Texas, or United States.

"The 95 plus year old residence at 7546 Oak Street is the second oldest house in Frisco, Texas today and is still a residence rich in the history of the City of Frisco. Successive families whose names reflect the pioneer heritage of the area have owned this home."

- 2) Location as the site of a significant historic event.

N/A

- 3) Identification of a person or persons who significantly contributed to the culture and development of the City.

"The original builders and owners were Mr. and Mrs. Dow Baccus. Mr. Baccus was a successful farmer in the community. He was a Mason for fifty years. Mr. Baccus served the early community of Frisco as its mayor. There have been numerous owners serving in various civic capacities culminating in Councilman Brett Carson who recently sold the home to another pioneer family, the Kerley's."

- 4) Exemplifications of the cultural, economic, social or historical heritage of the City.

The home at 7546 Oak Street is pictured on page 212 of "The History of Frisco", a book published by the Frisco



Bicentennial Society.

- 5) Portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.

"The pioneer families of Frisco in the early 1900's were strong, hard working people. The vision which built this home was one of lasting character and embodied the best of the culture of the founding fathers. The Doric columns and the majestic presence of this Victorian Era home embodies a unique style which stands alone as a survivor of its time. The antique heart pine floors still gleam today reflecting the quality of the materials used. The claw-footed detail of the tub is a reminder of a more ornate style used in the 1900's. Mr. Baccus used the best materials available at the time when building this home."

- 6) Embodiment of distinguishing characteristics of an architectural type of specimen.

See response to #5

- 7) Identification as the work of an architect or master builder whose individual work has influenced the development of the City.

N/A

- 8) Embodiment of elements of architectural design, detail, materials or craftsmanship.

See response to #5

- 9) Relationship to other distinctive buildings, sites or areas which are eligible for preservation according to a plan based on historic, cultural or architectural theme.

N/A

- 10) Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood community of the City.

"This home was built at a time when there were people who built homes to last. It was not built for just the delight of the early 1900's, but has continued to be admired even into the millenium. The descendants of those pioneer families now thank our forefathers for preserving and maintaining remnants such as the Baccus home as symbols of integrity and perserverance. Anyone who has lived any length of time in Frisco knows and admires, "The House at Oak and North County Road."

- 11) Archaeological value in that is has produced or can be expected to produce data affecting theories of historic or prehistoric interest.

N/A

- 12) Value as an aspect of community sentiment or public pride.

See response to #10

The request meets several criteria required for approval of Historic Landmark designation. In addition, the property is included in a Historic Overlay District as recommended by the Historic Downtown Master Plan.

In making a Historic Landmark designation, the Planning and Zoning Commission and City Council may reduce, increase or revise the height, yard, area, coverage, and any other developmental standards. The applicant is requesting that the exterior construction and side yard requirements be modified to allow the construction of a garage with masonry siding on the existing concrete foundation. The materials compliment the style of the house and do not compromise the integrity of the property.

#### Minimum Side Yard

The minimum side yard for an accessory building adjacent to a side street is 15 feet. The edge of the existing pad and proposed garage is greater that 15 feet from the side property line, but right-of-way has never been dedicated for North County Road. The edge of the street is approximately 20 feet from the edge of the existing pad. Should the right-of-way for North County Road be formally dedicated, the side yard may be less than 15 feet. The driveway will extend from North County Road to the south side of the garage. Staff recommends that the applicant be allowed to utilize the existing pad for construction of an accessory building and that the building not be deemed a nonconforming structure with any future right-of-way dedication for North County Road.

#### Exterior Construction

The Zoning Ordinance requires all exterior facades for the first story of an accessory building in a single-family district to be constructed of a minimum of 75% masonry with not less than 50% of any single facade being of masonry construction. A majority of the homes in the near proximity of the downtown area are constructed of wood siding. The applicant is proposing to construct a garage of masonry siding to match the architectural style of the existing home, while providing the fire protection accorded by a masonry material. The Zoning Ordinance does not recognize masonry siding as a material meeting the exterior construction requirements.

Zoning cases Z2000-41 and Z2000-42 have been initiated to create an Original Town Commercial district, an Original Town Residential district, and development standards for these districts. The general boundary of the northern portion of the Original Town Residential district extends from Third Street to North County Road and a half block north of Main Street to Maple Street. This property is adjacent to, but not located within, the Original Town Residential district. As part of the Original Town Residential district, masonry siding is proposed as an alternative exterior construction material to wood siding. Because surrounding homes are constructed predominantly of wood siding and the masonry siding is consistent with the proposed Original Town Residential district, staff recommends approval of the use of masonry siding.

#### **RECOMMENDATION:**

Recommended for approval as a Historic Landmark designation and modification of development standards as follows:

- 1) Use of masonry siding to meet exterior construction requirements for the proposed accessory building (garage).
- 2) Reduction of minimum side yard to allow the construction of an accessory building (garage) on the existing pad and that the building not be deemed a nonconforming structure with any future right-of-way dedication for North County Road

#### **10a. Public Hearing: Zoning Case Z2000-40**

##### **DM Applicant(s): Frisco Legacy, Ltd.**

A request to rezone 72.8± acres **from** Single-Family-4 (24.1± acres) and Single-Family-5 (48.7± acres) **to** Planned Development-Single-Family-5/Townhome on the south side of Eldorado Parkway, 750± feet east of Teel Parkway. Neighborhood #45. Tabled 7/25/00 and 8/8/00.

Commissioner Hulsey moved to remove item 10a from the table for a Public Hearing. Commissioner Seifert seconded the Motion. Motion carried. Vote - unanimous.

Doug Mousel, Planner reviewed staff comments for item 10a and 10b with the Commission. Chas Fitzgerald was present and spoke in favor of item 10a and 10b. There being no one else present to speak for or against the request, Commissioner Hulsey moved to close the meeting for a Public Hearing. Commissioner Ferguson seconded the Motion. Motion carried. Vote - unanimous.

Following review and discussion regarding concerns about bargaining density for open space, Commissioner Hulsey moved to approve the request subject to Staff Comments. Commissioner Ferguson seconded the Motion. Vote 3-2. Motion carried. Chairman Minett voted to break a tie.

Voting aye: Chairman Minett, Commissioners Ferguson and Hulsey.

Voting nay: Commissioner Seifert and Commissioner Caplan.

#### **HISTORY:**

Zoning Case Z99-34 - A portion of a request to rezone 138.1± acres on the south side of Eldorado Parkway (F.M. 2934), 700± feet east of Teel Parkway **from** Agricultural **to** Single-Family-4 (59.4± acres), Single-Family-5 (48.1±

acres), and Patio Home (29.5± acres). Approved as Single-Family-3 (29.9± acres), Single-Family-4 (65.3± acres), and Single-Family-5 (48.7± acres) (Ordinance No. 00-03-08).

**REMARKS:**

This item must be removed from the table. At staff's request, this item was tabled at the August 8, 2000, Planning & Zoning Commission meeting. The applicant is requesting to rezone 72.8± acres from Single-Family-4 (24.1± acres) and Single-Family-5 (48.7± acres) to Planned Development-Single-Family-5/Townhome. Zoning and land use of the surrounding properties is as follows:

Direction	Land Use	Zoning	Comprehensive Plan
North	Undeveloped	Agricultural and Single-Family-4	Single-Family Residential
East	Undeveloped	Information & Technology	Technology
South	Undeveloped	Single-Family-4	Single-Family Residential
West	Undeveloped	Retail and Single-Family-4	Single-Family Residential

**Conformance to the Comprehensive Plan**

**Future Land Use Plan** -- The Future Land Use Plan designates residential uses for this property. The request complies with the Future Land Use Plan.

**Thoroughfare Plan** -- The Thoroughfare Plan shows two six-lane divided thoroughfares, Teel Parkway and Eldorado Parkway, bordering the request. The zoning exhibit shows future right-of-way for these thoroughfares. The concept plan shows a street extending from Teel Parkway east into the property. This street will align with a collector street to be constructed along the perimeter of a future elementary and middle school site.

**Environmental Considerations** -- The City's environmental analyses contained within the Comprehensive Plan do not identify floodplains and wetlands, slopes, soils, or sensitive habitats which are unsuitable for development in the area of this property.

**Access** -- Access to the property will be provided from Teel Parkway and Eldorado Parkway.

**Water and Sanitary Sewer Services** -- Water and sanitary sewer services have been extended near the property. Services are being constructed approximately 1,000 feet to the east with the development of a residential subdivision, Griffin Parc - Phase 1. Services are also being constructed as part of The Fairways, a residential subdivision, on the west side of Teel Parkway, and the Northridge Addition, a residential subdivision, located on the north side of Eldorado Parkway, 600± feet west of Teel Parkway.

**Schools** - The Frisco Independent School District has acquired property for an elementary and middle school immediately east of the property.

**Parks** - The Parks Department has also acquired property in conjunction with the above referenced school site for a neighborhood park.

**Planned Development Zoning** -- The Comprehensive Plan recommends that the City should be extremely judicious in the consideration and approval planned developments. Planned Development should generally be used to achieve the following:

- Preserve topography, vegetation and/or open space;
- Carry out specific goals of the Comprehensive Plan or other special studies; or
- Provide flexible development standards when appropriate, not to reduce development standards.

In addition, the Comprehensive Plan states that planned development zoning should not be used to bypass the Board of Adjustment and variance requests or to secure agreements between the applicant and nearby property owners to receive zoning approval. The justification for use of a planned development for this property is to implement goals

and/or objectives of the Comprehensive Plan. The Plan suggests that higher densities be permitted within developments with larger amounts of open space. The Plan also that thoroughfares should include aesthetic and visual elements such as landscaping, streetscaping, and meandering sidewalks. Besides providing open space and an alternative street design, the planned development standards provide flexible and innovative development standards, but do not generally reduce development standards.

#### Density and Open Space

The potential density of the existing residential zoning with right-of-way for major thoroughfares excluded equates to the following units/acres:

Single-Family-4	23.0± acres	x	3.38 d.u./acre	=	78.7 units
Single-Family-5	46.9± acres	X	4.11 d.u./acre	=	192.8 units
Total	69.9± acres				271.5 units

The potential density of the existing residential zoning is 3.9 units/acre.

The applicant is requesting that the property be zoned Planned Development-Single-Family-5/Townhome. The concept plan shows 44 Townhome lots and 197 Single-Family-5 lots which equates to 3.4 units/acre. While some development standards are being modified, centralized open space is being provided. The Comprehensive Plan encourages the provision of open space by allowing higher densities within subdivision. While higher density zoning districts are being used as the base zoning for this request, the actual density is comparable to that of the Single-Family-4 district.

#### Development Standards

##### Neo-Traditional Housing

The applicant is proposing to construct homes with a neo-traditional design. The applicant is proposing to use front porches, fences, masonry siding, and reduced building lines to implement this design.

- Front porches are required to have a minimum depth of six feet and a minimum square footage of 50 square feet.
- The Zoning Ordinance requires the exterior facades of the first story of single-family homes and townhomes to be constructed of a minimum of 75 percent masonry with not less than 50 percent of any facade being of masonry construction. Masonry is defined by the Zoning Ordinance as brick, stone, granite, marble, concrete masonry units (CMU), stucco, and Exterior Insulation and Finish System (EIFS). The applicant is requesting the ability to use hardiplank or other masonry siding to fulfill the masonry requirement. Masonry siding will provide the desired architectural style of the homes, while providing the fire protection accorded by a masonry material.
- The applicant is proposing to reduce the minimum front yard to bring the homes closer to the street consistent with neo-traditional designs. The modified setbacks are staggered for the porch, the main house, and front-entry garages.

The following table shows a comparison between the existing development standards and the requested development standards:

	Minimum L	Minimum Front	Minimum Front Struc	Minimum S	Minimum F	Minimum Dw
SF-5	60 ft	25 ft	25 ft	7 ft	20 ft	1,800
PD-SF-5	55 ft	10 ft	15 ft	5 ft	12 ft	1,800
TH	20 ft	20 ft	20 ft	15 ft	20 ft	1,000
PD-TH	35 ft	5 ft	10 ft	3 / 7	10 ft	1,400

The applicant has also increased rear and side yards where garage doors are oriented towards a rear or side property line. Other proposed development standards address subjects other than minimum yard requirements, lot width, and dwelling area. These subjects include, but are not limited to, the following:

##### Open Space

In accordance with the Comprehensive Plan, the applicant is requesting Single-Family-5 and Townhome zoning, but is reducing the overall density by providing a minimum of four acres of usable open space. The proposed open space is centralized and bounded on four sides by streets. The open space will be improved with landscaping, water features, gazebo, a swimming pool, and/or a tot lot.

#### Alternative Street Design

An alternative street design is proposed to enable trees closer to the streets. When trees and/or homes are planted or constructed closer to a street, the adjacency creates a perception that the street is more narrow, therefore reducing the general speed of traffic. Generally, trees and other landscaping should not be planted in the parkway between the street and the sidewalk. Trees planted in these areas can potentially damage the adjacent street, sidewalk, and utilities. The street design increases the standard width of the right-of-way to 60 feet and places the sidewalk adjacent to the property line. This design will allow trees to be planted in the parkway in a location that will not interfere with utilities.

### **CONCERNS:**

#### Side Yards

The applicant is proposing to construct a zero lot line product on the Townhome lots. Generally, zero and 10-foot side yards are used to provide the minimum 10 feet of separation, while providing a 10-foot side yard on one side of the home for a patio, pool, or other improvements. The applicant is requesting side yards of three feet on one side of the lot and seven feet on the opposite side of the lots to provide the 10 feet of separation between structures. Building Code requirements imposed with zero and 10-foot side yards are not required with this modified side yard configuration. A three-foot maintenance and exclusive use easement is proposed to convey the use of three feet of one property to the adjacent property to allow the typical improvements in the "10-foot side yard", while allowing the owner of the three feet to retain the use of the property for maintaining the side of his/her home. Lots within Hickory Springs and Creekside at Stonebriar have developed with three feet and seven feet side yards. Staff has experienced problems with fence placement in the Hickory Springs subdivision. Staff also questions the liability that an owner may have should the adjacent property owner be injured on the three-foot maintenance and exclusive use easement. The proposed plat language for the maintenance and exclusive use easement appears to resolve the fence placement issue. Should the City Attorney determine that no liability issues could be raised, staff recommends approval of the requested side yards.

### **RECOMMENDATION:**

Recommended for approval as Planned Development-Single-Family-5/Townhome with the following planned development standards subject to review of the maintenance and exclusive use easement language by the City Attorney:

The tract may be developed under the regulations of the Single-Family-5 (SF-5) and Townhome (TH) Districts as outlined in Ordinance No. 93-07-11, as it currently exists or may be amended, subject to the following additional conditions:

#### Single-Family-5 (SF-5) lots

1. The minimum lot width is fifty-five feet (55').
2. The minimum front yard for an open and unenclosed porch is ten feet (10').
3. The minimum front yard for the main building is fifteen feet (15').
4. The minimum front yard for accessory structures is twenty feet (20') greater than the projection of the front porch nearest the front property line. Should no porch be provided, the minimum front yard for accessory structures shall be twenty feet (20') greater than the projection of the main building nearest the front property line.
5. The minimum side yard is five feet (5').
6. The minimum side yard for a garage in which the garage door faces the side yard is twenty-five feet (25').
7. The minimum rear yard for the main building is twelve feet (12').
8. The minimum rear yard for a garage in which the garage door faces the alley is twenty feet (20').
9. Maximum lot coverage is fifty-five percent (55%).

#### Townhome (TH) lots

1. The minimum lot width is thirty-five feet (35').
2. The minimum front yard for the front porch is five feet (5').
3. The minimum front yard for the main building is ten feet (10').
4. The minimum side yard is three feet (3') on one side and seven feet (7') on the opposite side of the lots. A three-foot (3') maintenance and exclusive use easement shall be provided in the three-foot (3') side yard and dedicated on the final plat.
5. The minimum rear yard for the main building is twelve feet (12').
6. The minimum rear yard for garages in which the garage door faces the alley is twenty feet (20').
7. Maximum lot coverage is sixty percent (60%).
8. The minimum dwelling area is fourteen hundred square feet (1,400 s.f.).

### General Conditions

#### Infrastructure

1. All streets shall be constructed within a right-of-way of sixty feet (60') in width, except the single-loaded streets along the south and east property lines shall require right-of-way of fifty feet (50').
2. Improvements within the sixty feet (60') of right-of-way shall be as follows:
  - a. The public sidewalk shall be placed within the right-of-way immediately adjacent to the property line.
  - b. The trees required to be planted in the parkway shall be planted six feet (6') from the back of the street curb, or as otherwise directed by the City Engineer.
3. The requirement for alleys is herein specifically waived subject to the City Engineer determining that lots are designed so as to prevent lot to lot drainage.

#### Architecture

1. A front porch is required for eighty-five percent (85%) of the Single-Family-5 lots and eighty-five percent (85%) of the Townhome lots. Each porch shall have a minimum depth of six feet (6') and shall not be less than fifty square feet (50 s.f.) in area. Porch columns shall be appropriate to the architecture of the structure and will include a variety of round columns, square box columns with brick or stone bases, and/or turned wood columns.
2. Exteriors of the residences may be constructed of 100% HardiPlank siding or similar cementitious siding material approved by the Building Official.
3. Chimney stacks expressed on the exterior of the structures, except for those projecting through the roof, shall be clad in brick, stone, or hand-troweled stucco.
4. Windows on the front elevations and street side yards shall be appropriate to the architecture of the structure including, but not limited to, scale, window divisions, and shutters.
5. Detached free-standing garages shall be allowed. A minimum of ten feet (10') separation shall be provided between the garage and the main building. "Detached" shall allow for connecting roof canopies between garages and residences.
6. Granny flats or quarters shall be allowed. The maximum area of enclosed space for quarters shall not exceed six-hundred square feet (600 s.f.). The quarters may be leased to a non-related party only if the main residence is currently owner-occupied. Should the main residence be leased, then the quarters may only be occupied by the same party leasing the main structure.

#### Landscaping:

1. For lots developed to Single-Family-5 (SF-5) standards, two (2) hardwood shade trees of minimum three and one-half inch (3 1/2") caliper shall be planted in the parkway between the sidewalk and street six feet (6') from the back of the curb. The developer and/or builders shall coordinate the placement of the trees such that the trees are planted equidistant along each block. One additional hardwood shade tree of minimum three and one-half inch (3 1/2") caliper or three (3) ornamental trees shall be planted within the lot area. These requirements shall satisfy landscape and tree requirements for single-family homes.
2. For lots developed to Townhome (TH) standards, one (1) hardwood shade tree of minimum three and one-half inch (3 1/2") caliper shall be planted in the parkway between the sidewalk and street six feet (6') from the back of the curb. The tree shall be centered on the lot. One additional hardwood shade tree of minimum three and one-half inch (3 1/2") caliper or three (3) ornamental trees shall be planted within the lot area. These requirements shall satisfy landscape and tree requirements for single-family homes.
3. The common park shall be improved with shade trees a minimum of one (1) tree per thirty-five linear feet (35 l.f.) on the perimeter of the park, or as otherwise approved by staff. Interior areas of the park shall be developed to provide a variety of open play areas and treed areas. Gathering areas shall be provided such as either a community pool, gazebo, tot lot, fountain plaza, landscape gardens, or similar.

4. Twenty-five feet (25') of additional right-of-way shall be dedicated adjacent to Eldorado Parkway and Teel Parkway for landscaping and screening purposes and shall be treated consistently with those approved landscape, fencing, and screening improvements of Griffin Parc - Phase 1.

Density:

1. The total number of lots shall not exceed 3.45 lots per gross acre.
2. Usable open space shall total a minimum of four (4) acres. This open space shall satisfy all open space requirements for development of the Townhome (TH) lots.

**10b. Preliminary Plat: Griffin Parc - Phase 2**

**DM Applicant(s): Frisco Legacy, Ltd.**

197 Single-Family lots and 44 Townhome lots on 70.1± acres on the south side of Eldorado Parkway, 750± feet east of Teel Parkway. Zoned Single-Family-4 and Single-Family-5. Requested zoning is Planned Development-Single-Family-5/Townhome. Neighborhood #45.

Commissioner Ferguson moved to open the meeting for a Public Hearing. Commissioner Hulseley seconded the Motion. Motion carried. Vote - unanimous.

Commissioner Ferguson moved to approve the request subject to Staff Comments. Commissioner Hulseley seconded the Motion. Vote 3-2. Motion carried. Chairman Minett voted to break a tie.

Voting aye: Chairman Minett, Commissioners Ferguson and Hulseley.

Voting nay: Commissioner Seifert and Caplan.

**REMARKS:**

The preliminary plat shows 197-Single-Family-5 lots and 44 Townhome lots developed to planned development standards proposed with Z2000-40. The requirement for two points of access will be fulfilled by constructing streets to connect with Teel Parkway and Eldorado Parkway. The preliminary plat shows 7.6 acres of open space (3.8 acres of which consist of the centralized open space feature). Lots backing to Eldorado Parkway and Teel Parkway will be screened by berms and landscaping in 25 feet of additional right-of-way dedicated for screening and landscaping purposes.

Approval of the preliminary plat is subject to City Council approval of Zoning Case Z2000-40.

**CONCERNS:**

Alley Waiver

Alleys are not provided to serve all of the lots. The proposed planned development standards waive alley requirements subject to lots being designed so as to prevent lot to lot drainage. Grading plans are not provided with a preliminary plat. Therefore, it is premature to waive the requirement for alleys. Should the City Engineer determine that lots are designed without lot to lot drainage, the requirement for alleys will be waived.

Overlength Street

The subdivision ordinance states that streets shall not exceed 1,200 feet in length. The combined length of the streets extending around Blocks J and K exceed the maximum street length by 700 feet. The City Council, after

recommendation by the Planning and Zoning Commission, may authorize a variance to the subdivision ordinance provided that the Council finds:

1. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of the subdivision ordinance would deprive the applicant of the reasonable use of his or her land.

There are no existing special circumstances or conditions that deprive the applicant from reasonable use of the land. The applicant does intend to develop a golf course to the south of this property which would limit the extension of streets to the south.

2. That the variance or waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the variance or waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area.

The street extending along the north side of Block J will align with a collector street to be constructed along the perimeter of a future elementary and middle school site east of the property. With the construction of the collector street, the overlength street will exceed the maximum street length by only 110± feet. The overlength street is a single-loaded street, reducing the number of potential lots on this street. Due to this fact, staff does not feel that the variance would be detrimental to the public health, safety or welfare or injurious to other property in the area.

3. That the granting of the variance or waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of the subdivision ordinance.

The property is bordered by Teel Parkway to the west, Eldorado Parkway, to the north, a future school site to the east, and property represented to be a golf course to the south. The overlength street does not prevent the orderly subdivision of adjacent property.

Due to the potential development of the golf course, the future construction of the collector street to serve the school, and the low number of impacted lots, staff supports the variance for an overlength street.

**RECOMMENDATION:**

Staff recommends approval subject to:

1. City Council approval of Zoning Case Z2000-40.
2. Planning & Zoning Commission and City Council approval of an overlength street.

Commissioner Ferguson moved to have a recess at 9:25 p.m. Commissioner Seifert seconded the Motion. Motion carried. Vote - unanimous.

The Commission returned to the table at 9:33. Commissioner Ferguson moved to resume the meeting. Commissioner Seifert seconded the Motion. Motion carried. Vote - unanimous.

**11. Public Hearing: Zoning Case Z2000-26**

**FJ Applicant(s): City of Frisco**

A request to amend Section 7 (General Requirements and Design Standards) of the Subdivision Ordinance regarding street lighting. Tabled 7/25/00.

Frank Jaromin, City Engineer reviewed staff comments with the Commission and made a correction to the numbering on page 4 of the staff comments.

Commissioner Hulsey moved to remove this item from the table for a Public Hearing. Commissioner Seifert seconded the Motion. Motion carried. Vote - unanimous.



Janet McBride was present and spoke in opposition to the request. There being no one else present to speak for or against the request, Commissioner Hulsey moved to close the meeting for a Public Hearing. Commissioner Seifert seconded the Motion. Motion carried. Vote - unanimous.

Following review and discussion, Commissioner Caplan moved to approve the Atlanta with shields for major thoroughfares and collector streets in addition to staff comments. Commissioner Ferguson seconded the Motion. Motion carried. Vote - unanimous.

**REMARKS:**

This item was tabled at the July 25, 2000, Planning & Zoning Commission meeting to allow staff to gather additional information on different light designs and cost of the designs. This information follows the staff report.

Zoning Case Z2000-26 was initiated to:

- limit the number of thoroughfare lighting standards options as requested by TXU Electric, CoServ, and Brazos Electric Cooperative;
- reduce the problems created by improperly designed and installed street lighting;
- standardize street lighting along the thoroughfares and within subdivisions;
- decrease the time of repair;
- reduce the energy and financial costs of street lighting by establishing common light fixtures, poles and illuminates; and
- preserve the night sky as a natural resource and thus people's enjoyment of looking at the stars.

Upon approval of the light design standard, staff recommends approval of the amendments to the Subdivision Ordinance.

**RECOMMENDATION:**

Recommended for approval as submitted.

**SECTION 7.09 REQUIRED IMPROVEMENTS**

**12. Street Lighting**

**A. The following standards shall apply to all Major and Minor Arterials:**

1. Streetlights shall be placed in the medians, with spacing not to exceed three hundred feet (300') and no closer than one hundred fifty feet (150') depending on median breaks and intersections.
2. Luminaries shall be designed to function as Full Cutoff Type of Luminaire(s).
3. Archetype SAR model Type, 250-watt Metal Halide single or double head with davit arm black in color or approved equal by the City Engineer shall be used.
4. Arterial lighting shall be installed prior to acceptance by City Council. When partial arterials are constructed the City Engineer may escrow funds in lieu of installing required lighting. Where arterials bisect property lines, each owner (Developer) is equally responsible for the complete cost of fully developed arterial lighting.
5. Poles are to be round tapered with a maximum height of 30 feet.

**B. The following standards shall apply to all Commercial Collectors.**

1. Lights shall be placed in the parkway between the curb and the sidewalk, with spacing not to exceed three hundred feet (300') and no closer than one hundred fifty (150').

2. Luminaries shall be designed to function as Full Cutoff Type of Luminaire(s).
  3. Archetype SAR model Type, 250-watt Metal Halide single head with davit arm black in color or approved equal by the City Engineer shall be used.
  4. Collector lighting shall be installed prior to acceptance by City Council. Where collectors bisect property lines, each owner (Developer) is equally responsible for the complete cost of fully developed lighting.
  5. Poles are to be round tapered with a maximum height of twenty feet (20').
- C. The following standards shall apply to all Residential Streets.
1. Poles are to be round tapered, American style with Barrington base, black in color. Maximum height not to exceed twelve feet (12') for residential streets and fourteen feet (14') for collectors.
  2. Lamp wattages shall be 100 watts Metal Halide.
  3. Luminaries shall be Acorn with refractive globes, metal cap and finial.
  4. The developer may install additional banding and/or medallions with prior approval from the City Engineer. The cost for maintenance and/or replacement of the banding and/or medallions shall be the responsibility of the developer or Homeowners Association.
  5. Residential lights shall be installed without multiple luminaries.
  6. Light locations shall typically be at intersections and at mid-block if the block length is greater than six hundred feet (600'). Cul-de-sacs over three hundred feet (300'), measured from centerline of street to center point of cul-de-sac, shall have a light installed at the street intersection and at the beginning of the bulb. Other locations may be required as deemed necessary by the City Engineer. Lights shall not be closer than one hundred fifty (150').
  7. Subdivisions bounded by arterials shall have common type of luminaries. Streetlights shall be installed prior to acceptance by City Council.
- D. A lighting plan shall be required anytime lighting is proposed, or modified. The lighting plan shall be submitted to the City Engineer for a construction permit. A certified engineer, architect, landscape architect, lighting engineer or designer shall prepare the plan. The plan shall also contain a certification by the property owner or agent and the preparer of the plan that the street lighting depicted on the plan complies with the requirements of this Ordinance. The submission shall contain but shall not necessarily be limited to the following:
1. plans indicating the location of the lighting, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;
  2. description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required) and height of the luminaries;
  3. photometric plan and data sheets, such as that furnished by manufacturers, or similar to that furnished by manufacturers, showing the angle of cut off or light emissions;
  4. water and sewer locations along with any other existing utilities lightly shaded on plans showing any possible location conflicts with proposed lighting.
- E. The following are exempt by this Ordinance.
1. "Cobra head" type lighting fixtures having dished or "drop" lenses or refractors which house other than incandescent light sources in undeveloped areas.
  2. Temporary lighting approved by the City Engineer.
  3. Where existing or phased subdivisions are currently under construction, the continued use of currently approved lighting will be permitted. When divided by collector sized streets the new lighting standards will be required.

4. City Council may vary from these requirements as part of the approval of public street and sidewalk projects on overlay districts.
- E. Lighting luminaries in existence on the effective date of this Ordinance shall be exempt from these standards and shall be considered legally nonconforming. Such fixtures may be repaired, maintained and replaced. The replacement of non-conforming luminaries shall comply with this ordinance.
- G. The City Engineer, or his/her designee, is hereby empowered and directed to administer and enforce the provisions of this Ordinance relating to street lighting.

## **12. Public Hearing: Zoning Case Z2000-43**

### **DM Applicant(s): Chris Cobb, Mildred Cobb, Foncine Tollway, Ltd., and The Stratford Group**

A request to rezone 59.3± acres on the southeast corner of Eldorado Parkway (F.M. 2934) and the Dallas North Tollway from Agricultural to Planned Development-Commercial-1. Neighborhood #46.

Doug Mousel, Planner reviewed staff comments with the Commission and made a correction to the numbering on page 12 of the staff comments.

Commissioner Hulsey moved to open the meeting for a Public Hearing. Commissioner Ferguson seconded the Motion. Motion carried. Vote - unanimous.

Dave Denison was present to speak in favor of the request. There being no one else present to speak for or against the request, Commissioner Hulsey moved to close the meeting for a Public Hearing. Commissioner Ferguson seconded the Motion. Motion carried. Vote - unanimous.

Following review and discussion, Commissioner Hulsey moved to approve the request subject to Staff Comments. Commissioner Ferguson seconded the Motion. Motion carried. Vote - unanimous.

#### **REMARKS:**

This is a request to rezone 59.3± acres from Agricultural to Planned Development-Commercial-1. The applicant has changed the request from Commercial-1 to Retail. Zoning and land use of the surrounding properties are as follows:

Direction	Land Use	Zoning	Comprehensive Plan
North	Undeveloped	Agricultural	Office and Single-Family Residential
East	Undeveloped	Agricultural	Office
South	Undeveloped	Agricultural	Potential Open Space and Office
West	Undeveloped	Agricultural	Retail

#### Conformance to the Comprehensive Plan

Future Land Use Plan –

The Future Land Use Plan designates Retail and Single-Family Residential uses for this property. The request does not comply with the Future Land Use Plan. Where non-residential zoning is requested in a location shown as residential on the Future Land Use Plan, the following criteria must be met:

1. The area is physically appropriate for non-residential uses.

The uniform topography of the property is suitable for the development of non-residential uses. The property is bordered by Cottonwood Creek to the south, the Dallas North Tollway to the west, and future six-lane divided thoroughfares to the north and east, Eldorado Parkway and Frisco Street, respectively. This location is suitable for non-residential development.

2. The area is an extension of other non-residential zoning and is not separated from other non-residential zoning by a major thoroughfare (or larger).

The Comprehensive Plan designates Retail for the southeast corner of the Dallas North Tollway and Eldorado Parkway. This request involves expanding the requested retail that is not separated by a major thoroughfare.

3. The rezoning will not create a situation where commercial traffic will negatively impact established and proposed future neighborhoods, schools, and/or parks.

No residential zoning is located in the proximity of this property. The rezoning will not negatively impact residential neighborhoods, schools, or parks.

4. The rezoning will not leave any residual tracts of residentially-zoned property or an area designated for residential use by the Comprehensive Plan.

The rezoning will leave three residual tracts of land designated for residential uses by the Comprehensive Plan on the west side of Frisco Street, north of Cottonwood Creek. The properties are zoned Agricultural. One of the tracts is occupied by Fritz Plumbing, a plumbing contracting company. It is anticipated that the owners of the tracts will also request non-residential zoning.

5. The rezoning provides for an appropriate transition between non-residential and residential uses through separation by distance, screening, or land use.

The Future Land Use Plan shows Single-Family Residential on the north side of Eldorado Parkway. This property will be separated from future residential uses by Eldorado Parkway, a future six-lane divided thoroughfare.

The zoning request meets the criteria necessary to zone or rezone a property shown as residential on the Future Land Use Plan as a non-residential district.

**Thoroughfare Plan** -- The Thoroughfare Plan shows Eldorado Parkway, and Frisco Street, both future six-lane divided thoroughfares, and the Dallas North Tollway, bordering the request. Right-of-way has been dedicated for the Dallas North Tollway. The zoning exhibit shows future right-of-way for Eldorado Parkway and Frisco Street.

**Environmental Considerations** -- The City's environmental analyses contained within the Comprehensive Plan do not identify slopes, soils, or sensitive habitats, which are unsuitable for development in the area of this property. Floodplains and wetlands are identified along the south side of the property. A flood study will be required for any proposed floodplain reclamation. The flood study is submitted with the engineering plans that accompany the final plat.

**Access** -- Access to the property will be provided from Eldorado Parkway and the Dallas North Tollway.

**Water and Sanitary Sewer Services** -- Water and sanitary sewer services must be extended to the property. Services are being constructed approximately 2,100 feet to the west with the development of a residential subdivision, Griffin Parc – Phase 1. Services are also being constructed as part of Frisco Industrial Park located approximately 1,000 feet east of Frisco Street, 1,000 feet south of future Eldorado Parkway.

**Schools** -- Elementary schools are generally located within single-family residential neighborhoods. Middle schools are generally situated within or on the perimeter of single-family residential neighborhoods. This property is not suitable for an elementary or middle school. High schools may be located in non-residential areas, but the school district has not identified a need for a high school in the immediate vicinity of this property.

**Parks** - With the exception of regional parks or sports complexes, parks are generally limited to residential areas. Warren Sports Complex is located 4,000± feet east of Frisco Street on the south side of Eldorado Parkway. Cottonwood Creek borders this property to the south. The Parks Master Plan shows a future hike and bike trail along this creek.

**Planned Development Zoning** -- The Comprehensive Plan recommends that the City should be extremely judicious in the consideration and approval planned developments. Planned Development should generally be used to achieve the following:

- Preserve topography, vegetation and/or open space;
- Carry out specific goals of the Comprehensive Plan or other special studies; or
- Provide flexible development standards when appropriate, not to reduce development standards.

In addition, the Comprehensive Plan states that planned development zoning should not be used to bypass the Board of Adjustment and variance requests or to secure agreements between the applicant and nearby property owners to receive zoning approval. The justification for use of a planned development for this property is to create development standards consistent with those envisioned for a Tollway Overlay District. The applicant is requesting a Planned Development-Retail with the following development standards:

The tract may be developed under the regulations for the Retail District as outlined in Ordinance No. 93-07-11, as it currently exists or may be amended, subject to the following conditions:

1. **Permitted Uses:** All uses permitted in the R District as outlined in Ordinance No. 93-07-11, and the following additional uses:
  - a. College, university or private boarding school
  - b. Hospital
  - c. New car sales, including SUV and light truck
  - d. New motorcycle sales
  - e. Car wash
  - f. Commercial amusement, indoor
  - g. Fraternal club, lodge
  - h. Funeral parlor or mortuary
  - i. Greenhouse, nursery (indoor)
  - j. Hotel or motel
  - k. Outdoor storage (screened)
  - l. Commercial printing company
2. **Pedestrian Access:** The intent of this proposal is to provide a highly accessible project for pedestrians. To accomplish this goal sidewalks (designed to meet or exceed City Code standards) shall be provided along at least one side of all proposed internal streets. Pedestrian crosswalks shall be clearly indicated with paint, stamped or textured paving or other pavement detail as approved by the City.
3. **Off-street Parking:**
  - a. **Parking Bays:** All continuous planting strips provided between parking bays shall have a minimum width of twelve (12') feet, from back of curb to back of curb.
  - b. **Planting Islands:** All planting islands provided shall be at least 300' square feet in area.
4. **Building Materials:** All building materials shall consist of exterior facades that utilize a consistent pattern, ornamentation, or framework. A consistent architectural theme shall be used to unify all buildings within the development. Primary materials used for facades shall consist of brick or stone, and these primary materials shall comprise a minimum of sixty percent (60%) of the building façade, excluding windows or glazing. Brick, stone, stucco, EIFS, tile, or any combination thereof may be used for accent material for the remaining forty percent (40%) of the building façade. The City of Frisco shall approve materials and colors at the time of site plan approval.
5. **Building Coverage:** The maximum building coverage shall be limited to no more than 60% of the total tract area. Individual buildings may exceed this coverage so long as the total ratio does not exceed the above amount.
6. **Building Height:** The maximum building height shall not exceed four stories, except that building height shall not exceed two stories on any portion of a site within two hundred feet of property zoned or developed as SF or 2F.

7. **Architectural Guidelines:** It is the intent of these guidelines to encourage building façade articulation to reduce massive scale and uniform impersonal appearance of large retail buildings. To that end the following guidelines are suggested:
- Dark brick is to be avoided. Although brick is one of the main body materials, the brick colors selected should be light and should avoid the typical red ranges of color.
  - Storefront openings and upper story windows should stack or have a formal relationship to one another, although their size will differ.
  - Detail and traditional building elements such as lintels, sills, cornices, watertable bands, friezes and pitched roofs, are important.
  - Building facades should be expressed in segments of between 20' and 60' in length. Two 60' segments may not be adjacent. Façade segments shall be offset from each other by a minimum of twenty-four inches.
  - Animating features such as windows, awnings, arcades, entry areas or other features shall occupy no less than 60% of the length of the first floor façade facing a street, driveway or parking area.
  - Courtyards, plazas, outdoor eating areas and other outdoor public spaces are strongly encouraged. These areas may be paved, and this paving may extend into the streetfront buffers. Large trees in tree wells or tree grates should be included in order to define the space and to provide shade.
8. **Perimeter Buffers:** Non-street property lines shall impose a twenty-foot landscaped buffer along the length of the property line. Landscaping standards are found in Item 13. Interior lots shall be separated by a total of 20' (ten feet from each property line).
9. **Streetfront Buffers:** A thirty- foot streetfront buffer shall be established along the Dallas North Tollway, and a twenty-five foot streetfront buffer shall be established along El Dorado Parkway. Landscape standards for streetfront buffers are found in Item 11. Buildings and parking are prohibited in the streetfront buffer (please see item 7 above for plazas, etc. Where buildings are sited close to the streetfront buffer with no intervening parking, large trees shall be planted at 25' on center along the building length, and may be clustered to allow for visibility of the building. A mixture of evergreen and deciduous shrubs (no more than 50% deciduous) shall be planted in this streetfront buffer along the length of the building. The shrub quantity shall be half the building length (100 shrubs for a 200' building). Shrubs shall be a minimum of 5-gallon containers at installation, at an appropriate spacing for the species, and should be clustered.
10. **Parking:** Parking may not exceed 5 spaces per 1000 square feet of leasable area. All parking spaces shall measure 18' deep by 9' wide, with a 25' drive aisle. The first 750 square feet of outdoor eating space shall not be included in the parking calculation.
13. **Landscaping:**  
Plant material shall be selected from the plant list provided by the City of Frisco, Section 39.7 of the City of Frisco Zoning Ordinance.

Continuous Planting Strips:

- One large tree, 3" caliper, 35' on-center AND
- Four five-gallon evergreen shrubs per 35' of planting strip.

Planting Islands in Parking Lots: (minimum 300 square feet)

- Two large trees, 3" caliper OR
- Three ornamental trees, 2" caliper.

Streetfront Buffers:

Dallas North Tollway:

- One large tree, 4" caliper, 40' on center AND
  - One ornamental tree, 2" caliper, per 40 linear feet of buffer AND
  - Fifteen five-gallon evergreen shrubs per 40 linear feet of buffer.
- Plantings may be aggregated into clusters.

These standards apply where buildings are not sited along the right of way. Where buildings are sited adjacent to the right of way, the standards above for Streetfront Buffers will apply.

El Dorado Parkway:

- One large tree, 4" caliper, 40' on center AND
  - One ornamental tree, 1 ½" caliper, per 40 linear feet of buffer AND
  - Ten five-gallon evergreen shrubs per 40 linear feet of buffer.
- Plantings may be aggregated into clusters.

Perimeter Buffers:

One large tree, 2" caliper, 40' on center AND

Four large evergreen shrubs per 40 linear feet, minimum 3 1/2' height at installation.

**14. Building Setbacks:**

At a minimum, buildings shall be set back from the street the distance corresponding to the streetfront buffer. It is the intent that buildings generally be sited close to the street, with parking located, where feasible, to the side and the rear of the buildings.

**15. Open Space:** Seven percent (7%) of each lot shall be reserved as common open space. This requirement is in addition to any required buffers.

**16. Changes to Concept Plan:**

It is understood that changes in market conditions may necessitate changes to the concept plan. If the design intent of the Planned Development is generally maintained, the Planning Director may approve variations or changes to the concept plan. Significant building relocations, parking relocations or other major changes will require approval from the Planning Commission and City Council.

Components of the planned development that are consistent with development standards that staff envisions for a Tollway Overlay District include:

Building Height

The maximum building height within the Retail district is two stories or 40 feet. Staff envisions that the maximum building height of properties within the future Tollway Overlay District will be increased. The applicant is proposing that the maximum building height be increased to four stories except that the building height shall not exceed two stories on any portion of a site within two hundred feet of property zoned or developed as single-family or two-family. The increased building height is appropriate and is sensitive to adjacent residential uses.

Building Materials

The exteriors of buildings within the Retail district must be constructed of 100% masonry. Masonry is defined by the Zoning Ordinance as brick, stone, granite, marble, concrete masonry units (CMU), stucco, Exterior Insulation and Finish System (EIFS), and concrete panels. Staff envisions that building materials such as concrete masonry units (CMU) and concrete panels may be restricted in a future Tollway Overlay District, while brick, stone, and glass may be materials of preference along the Dallas North Tollway. The applicant is proposing that primary materials consist of brick or stone and that these materials comprise a minimum of sixty percent (60%) of the building facade, excluding windows. Brick, stone, stucco, EIFS, tile, or any combination thereof, are proposed as the remaining forty percent (40%) of the building facade. Because glass is excluded from the proposed percentages, these materials are generally consistent with building materials that staff envisions for the Tollway Overlay District.

Landscaping

The applicant is proposing landscape requirements that equal or exceed current landscape requirements. Staff does feel that more specific and unique landscape requirements will be identified with the creation of a Tollway Overlay District.

**CONCERNS:**

Permitted Land Uses

The applicant is requesting a planned development using the Retail district as the base-zoning district. The Retail district is a more restrictive zoning district than the Commercial-1 district and does not allow many of the automotive-related uses that are permitted in the Commercial-1 district. The applicant is proposing to allow new car and motorcycle sales within the proposed planned development. During recent discussions on the Preston Road Overlay District, the City Council indicated a preference to locate vehicle sales establishments along U.S. 380 and S.H. 121 rather than locating the establishments along internal corridors within the City. Therefore, staff recommends that these land uses be excluded from the planned development.

Screening of Drive-Thrus and Service Bays

No provisions have been included for the screening of drive-through facilities or service bays. Staff recommends that service bays be oriented perpendicular to the adjacent street. In addition, staff recommends that drive-through facilities and service bays be screened with a combination of trees and shrubs planted in elongated landscape islands.

#### Off-Street Parking

The applicant is proposing the off-street parking provided for the property not exceeds five spaces per 1000 square feet of building area. This proposed parking rate averages to one parking space per 200 square feet, the off-street parking rate for retail uses. Should a large number of restaurants and/or private clubs develop on the property, the amount of parking provided would be short of the parking typically required of restaurants and/or private clubs. Staff does not recommend that off-street parking rates be modified.

The applicant is also proposing parking spaces with a minimum dimension of nine feet by 18 feet. The standard parking space as required by the Zoning Ordinance is nine feet by 20 feet. Due to the large number of trucks and sports utility vehicles on the roads today, staff does not recommend a reduction in the size of a standard parking space.

#### Architectural Guidelines

The applicant is proposing several architectural elements to reduce the massive scale and impersonal appearance of large retail buildings. The elements pertain to brick color, projections and recesses in building facades, and use of cornices, windows, pitched roofs, and other architectural features. The elements are comparable to those architectural provisions included in the Preston Road Overlay District with the exception that the elements are listed as guidelines rather than standards. Guidelines are voluntary, whereas, standards are required. Staff recommends that the architectural guidelines be changed to architectural standards.

#### Open Space

The applicant is proposing that seven percent of each lot be reserved as common open space. This requirement was added at staff's request, but not to the extent that staff requested. Open space is required as part of Planned Development-25 (Stonebriar Centre and The Centre at Preston Ridge) and Planned Development-59 (Hall Office Park), two large planned developments located along the Dallas North Tollway. Based on the existing requirements of these previously approved planned developments, staff envisions that open space will be required as part of a Tollway Overlay District. Staff recommends an open space requirement as follows, "A minimum of seven percent of the net area of each lot shall be developed and maintained as open space. Open space shall be areas used for walks, plazas, courtyards, water features, landscaped areas, and other similar areas not specifically used for vehicular access and parking. Landscaped areas shall be exclusive of any other required landscaping with the exception of landscape or plaza improvements located between the building and property line in the landscape buffer. The minimum width of open space shall be fifty (50) feet."

#### Concept Plan Modifications

Staff has identified several areas of concern on the concept plan, Exhibit D. The concerns are as follows:

- Addition of a continuous landscape strip to the parking areas north and south of the divided driveway serving the 224,063 square foot building. The addition of continuous landscape strips will break the monotony of the large mass of parking.
- Provision of an offset in the long driveway extending from Eldorado Parkway in front of the 224,063 square foot building. A long driveway similar to this driveway and the driveway extending from Stonebrook Parkway in front of the Albertson's retail center are undesirable.
- Several driveways are shown with a width less than 24 feet. These driveways must be a minimum of 24 feet to meet Fire Code and Zoning requirements.
- Stacking for the drive-thrus is not adequate and must be modified to provide the minimum amount of stacking required for the bank and restaurant. In addition, the orientation of the drive-thru lanes and parking must be modified. The circulation pattern of the parking conflicts with the circulation pattern of the drive-thru. Should the parking area west of the bank be full, a vehicle searching for a parking space would be unable to circulate around the building due to the drive-thru.



The applicant's representative has represented that the changes will be incorporated into the concept plan prior to the public hearing.

**SUMMARY:**

Staff has been meeting with the applicant to develop this planned development since the Fall of 1999. This zoning request is part of an overall development to include residential, office, and retail uses on the north side of Eldorado Parkway. The remainder of the request will be submitted in the near future.

Although this property is located on the perimeter of development, the property will eventually be located at a centralized and prominent location in the City, the southwest corner of the Dallas North Tollway and Eldorado Parkway. Staff feels that the proposed planned development standards are representative of those standards which will be included in a Tollway Overlay District. Staff recommends approval of the request as Planned Development-Retail with the above referenced modifications.

**RECOMMENDATION:**

Recommended for approval as Planned Development-Retail subject to the above referenced modifications to the concept plan (Exhibit D) and the following planned development standards:

The tract may be developed under the regulations for the Retail district as outlined in Ordinance No. 93-07-11, as it currently exists or may be amended, subject to the following conditions:

1. **Permitted Uses:** All uses in the Retail District, as outlined in Ordinance No. 93-07-11, and the following additional uses shall be permitted:
  - a. College, university, or private boarding school
  - b. Hospital
  - c. Car wash (full service or accessory to a convenience store only)
  - d. Commercial amusement, indoor
  - e. Fraternal club or lodge
  - f. Funeral parlor or mortuary
  - g. Greenhouse nursery (indoor)
  - h. Hotel or motel
  - i. Outdoor storage (screened in accordance with the Comprehensive Zoning Ordinance)
  - j. Commercial printing company
2. **Orientation and Screening of Service Bays and Drive-through Facilities**
  - a. All service bays shall be oriented perpendicular to an adjacent street.
  - b. Service bays shall be screened by a fifteen-foot (15') wide landscape island located within forty-foot (40') of the service bay. Drive-through lanes shall be wrapped by a ten-foot (10') wide landscape island with a minimum length to equal the required stacking of the drive-through lane. These landscape islands shall contain one (1) minimum three-inch (3") caliper evergreen or deciduous tree every fifteen linear feet (15 l.f.) with four (4) minimum five (5) gallon shrubs or one (1) ornamental tree evenly dispersed between the evergreen or deciduous tree.
3. **Pedestrian Access:** Sidewalks with a minimum width of four feet (4') shall be provided along at least one side of all proposed internal driveways. Pedestrian crosswalks shall be clearly indicated with stamped or textured paving, or other pavement details as approved by the City.
4. **Off-street Parking:**
  - a. **Outdoor Eating Areas:** The first seven hundred fifty square feet (750 s.f.) of outdoor eating areas shall not be included in the calculation of required off-street parking for restaurants.
  - b. **Landscape Strips:** All continuous landscape strips provided between banks of parking, as shown on Exhibit "D", shall have a minimum width of twelve feet (12'), measured back of curb to back of curb.
  - c. **Landscape Islands:** All landscape islands within parking areas shall have a minimum area of three-hundred square feet (300 s.f.).
5. **Building Materials:** A consistent architectural theme shall be used to unify all buildings within the development. This theme shall include the use of common building materials for all buildings. Primary materials used for facades shall consist of brick or stone and shall comprise a minimum of sixty percent (60%) of each building facade, excluding windows. Brick, stone, stucco, EIFS, tile, or any combination thereof, may be used for the remaining forty percent (40%) of each building facade. The use of reflective glass shall be prohibited. The

Planning Department and/or City Council shall review and approve materials and colors at the time of site plan approval.

6. **Lot Coverage:** The maximum lot coverage is sixty percent (60%) of each lot area.
7. **Building Height:** The maximum building height shall not exceed four (4) stories, except that building height shall not exceed two (2) stories (or forty feet (40')) on any portion of a site within two hundred feet (200') of property zoned Single-Family or Two-Family.
8. **Architectural Standards:**
  - a. No building façade shall extend greater than one-hundred feet (100') in horizontal length without a projection, recess, or offset. Projections, recesses, or offsets shall be a minimum of twenty-four inches (24").
  - b. Either lintels, sills, cornices, or pitched roofs shall be incorporated into all building facades.
  - c. First floor facades facing a street or parking area shall have arcades display windows, entry areas, outdoor seating or eating areas or awnings and shall occupy no less than 60% of the length of the facade.
  - d. Buildings greater than sixty-thousand square feet (60,000 s.f.) that exceed thirty feet (30') in height shall incorporate architectural details to give the appearance of a two-story building.

9. **Lighting Standards**

The developer of the property shall submit details of the proposed lighting for the site with the preliminary site plan. Light standards for pedestrian areas and for parking areas shall match, but shall be of different scale. Light standards shall be reviewed and approved by the Director of Planning.

10. **Setbacks and Landscape Buffers:**

- a. A minimum thirty-foot (30') front yard and landscape buffer shall be provided adjacent to the Dallas North Tollway.
- b. A minimum twenty-five foot (25') front yard and landscape buffer shall be provided adjacent to Eldorado Parkway.
- c. Buildings, driveways, and parking are prohibited in the required front yard. Where buildings are constructed immediately adjacent to the landscape buffer, the portion of the landscape buffer between the building and front property line may be improved with patterned concrete, pavers, or other decorative materials, as well as, tables, benches, canopies, and lights. Within the improved areas, required trees shall be provided in tree wells or tree grates.
- d. A ten-foot (10') landscape buffer shall be provided along the length of all side and rear property lines. Should a fire lane or access easement be constructed on a property line, this requirement is waived.

11. **Landscaping:**

Plant materials shall be selected from the plant list provided within Section 39.7 of the City of Frisco Comprehensive Zoning Ordinance, Ordinance No. 93-07-11, as it exists or may be amended.

- a. All continuous landscape strips provided between banks of parking shall contain one (1) large tree and four (4) five-gallon evergreen shrubs per thirty-five linear feet (35 l.f.) of planting strip.
  - b. Fifty percent (50%) of all landscape islands shall contain two (2) large trees; the remaining fifty- percent (50%) shall contain four (4) ornamental trees.
  - c. One (1) tree (minimum four-inch (4") caliper), one ornamental tree, and fifteen (15) five gallon evergreen shrubs per forty linear feet (40 l.f.) shall be planted within the thirty-foot (30') landscape buffer provided along the Dallas North Tollway and the twenty-five foot (25') landscape buffer provided along Eldorado Parkway.
  - d. One (1) large tree and one (1) ornamental tree per forty linear feet (40 l.f.) shall be provided along all side and rear property lines within the ten-foot (10') landscape buffer.
11. **Open Space:** A minimum of seven percent of the net area of each lot shall be developed and maintained as open space. Open space shall be areas used for walks, plazas, courtyards, water features, landscaped areas, and other similar areas not specifically used for vehicular access and parking. Landscaped areas shall be exclusive of any other required landscaping with the exception of landscape or plaza improvements (described in 10(c)) located between the building and property line in the landscape buffer. The minimum width of open space shall be fifty (50) feet.

12. **Changes to Concept Plan:**

Changes to the concept plan may be approved in accordance with Section 38.10 of the Comprehensive Zoning Ordinance No. 93-07-11, as it exists or may be amended.

**13. Public Hearing: Zoning Case Z2000-46**

**DM Applicant(s): Real Property Exchange, Gene McCutchin, and DRHI, Inc.**

A request to rezone 147.2± acres on the north side of Main Street (F.M. 720), 850± feet west of Legacy Drive from Agricultural (50.7± acres), Single-Family-4 (33.5± acres), Commercial-2 (13.0± acres), and Industrial (50.1± acres) to Single-Family-5 (41.7± acres) and Patio Home (24.4± acres). Neighborhood #45.

Doug Mousel, Planner requested this item remain on the table for further staff review.

Commissioner Caplan moved to table this item until the September 26, 2000 Planning and Zoning meeting and continue the Public Hearing. Commissioner Ferguson seconded the Motion. Motion carried. Vote - unanimous.

**14. Public Hearing: Zoning Case Z2000-47**

**DM Applicant(s): Frisco West, Ltd. and Spring Haven Investments, Inc.**

A request to rezone 24.9± acres on the west side of Teel Parkway, 1,200± feet north of future Stonebrook Parkway from Retail (1.8± acres) and Information & Technology (23.1± acres) to Single-Family-4. Neighborhood #45.

Doug Mousel, Planner reviewed staff comments with the Commission.

Commissioner Hulseley moved to open the meeting for a Public Hearing. Commissioner Ferguson seconded the Motion. Motion carried. Vote - unanimous.

Jeff Miles was present and spoke in favor of the request. There being no one else present to speak for or against the request, Commissioner Hulseley moved to close the meeting for a Public Hearing. Commissioner Ferguson seconded the Motion. Motion carried. Vote - unanimous.

Following review and discussion, Commissioner Hulseley moved to approve the request subject to Staff Comments. Commissioner Seifert seconded the Motion. Motion carried. Vote - unanimous.

**REMARKS:**

This is a request to rezone 24.9± acres from Retail and Information & Technology to Single-Family-4. Zoning and land use of the surrounding properties are as follows:

Direction	Land Use	Zoning	Comprehensive Plan
North	Undeveloped	Agricultural and Single-Family-4	Single-Family Residential
East	Undeveloped	Information & Technology	Technology
South	Undeveloped	Single-Family-4	Single-Family Residential
West	Undeveloped	Retail and Single-Family-4	Single-Family Residential

### **Conformance to the Comprehensive Plan**

**Future Land Use Plan** -- Last year, this property was rezoned from Agricultural to Information & Technology and Retail (Zoning Case Z99-51). The zoning exhibit for Z99-51 showed this property on the east side of Teel Parkway. The property was zoned in accordance with the Future Land Use Plan. Since approval of Z99-51, a conveyance plat has been approved reserving right-of-way for Teel Parkway and Stonebrook Parkway and establishing the alignment of these thoroughfares. Due to a modified alignment of Teel Parkway, this property is located west of Teel Parkway. The Future Land Use Plan designates residential uses for the west side of Teel Parkway. The request complies with the Future Land Use Plan.

**Thoroughfare Plan** -- The Thoroughfare Plan shows Teel Parkway, a six-lane divided thoroughfare, bordering the request. The zoning exhibit shows future right-of-way for Teel Parkway.

**Environmental Considerations** -- The City's environmental analyses contained within the Comprehensive Plan do not identify floodplains and wetlands, slopes, soils, or sensitive habitats which are unsuitable for development in the area of this property.

**Access** -- Access to the property will be provided from Teel Parkway and a future street (shown as a proposed street easement) to the south of the property. The street easement will be dedicated with the recently approved conveyance plat that reserves right-of-way for Stonebrook Parkway and Teel Parkway. The street easement is being dedicated to provide access to a tract of land west of the subject property. The tract was zoned Retail with the Lone Star Ranch zoning case (Zoning Case Z98-38), but is envisioned by staff and the owner to be rezoned for single-family uses.

**Water and Sanitary Sewer Services** -- Water and sanitary sewer services must be extended to the property. Utilities are being constructed approximately 1,300 feet to the north with the development of Heritage Village and approximately 2,600 feet to the south with the development of two residential subdivisions within the Lone Star Ranch development, Saddle Brook Village - Phase 1 and Quail Meadow Village - Phase 1.

**Schools** - The Frisco Independent School District has acquired several properties for development of schools within the area. An elementary school is planned west of Twin Falls Drive south of the Waterford Falls subdivision. A middle school is planned south of the Westfalls Village subdivision within the Lone Star Ranch development. The property at the southeast corner of future Stonebrook Parkway and future Teel Parkway is envisioned as a high school site.

**Parks** - The Parks Department is in the process of acquiring property adjacent to the above referenced elementary school site west of Twin Falls Drive south of the Waterford Falls subdivision. Additional property will be needed in the area for the development of a neighborhood park, but not on this property.

The request complies with the Comprehensive Plan. Staff recommends approval of the request as submitted.

### **RECOMMENDATION:**

Recommended for approval as Single-Family-4 subject to the filing of the approved conveyance plat for Stonebrook Parkway and Teel Parkway.

## **15. Public Hearing: Zoning Case Z2000-48**

### **DM Applicant(s): City of Frisco**

A request to amend the Subdivision Regulation Ordinance regarding acquisition of property for schools, parks, and other public areas.

Doug Mousel, Planner reviewed staff comments with the Commission.

Commissioner Seifert moved to open the meeting for a Public Hearing. Commissioner Ferguson seconded the Motion. Motion carried. Vote - unanimous.

There being no one present to speak for or against the request, Commissioner Caplan moved to close the meeting for a Public Hearing. Commissioner Hulsey seconded the Motion. Motion carried. Vote - unanimous.

Following review and discussion, Commissioner Ferguson moved to approve the request subject to Staff Comments. Commissioner Hulsey seconded the Motion. Motion carried. Vote - unanimous.

**REMARKS:**

At their August 8, 2000 meeting, the Planning and Zoning Commission called a public hearing to consider amending the Subdivision Regulation Ordinance regarding acquisition of property for schools, parks, and other public areas. The Subdivision Ordinance requires preliminary plats to show sites for schools, parks or other public areas as set out in the Comprehensive Plan or in accordance with City policy. Staff does not allow school and park sites to be shown on a concept plan or preliminary plat without discussion occurring between the relevant parties -- the applicant, Planning Department, Parks Department, and/or the school district. In addition, when potential sites are shown on a concept plan or preliminary plat, staff requires a lot plan to be provided for the potential site in the case the site is not acquired.

If a school or park is shown on a preliminary plat and the responsible public authority does not take steps to acquire such property within 60 days of the submission of the preliminary plat to the Planning and Zoning Commission, the Subdivision Ordinance currently allows the subdivider to proceed with development of the subdivision as though such area is non-existent. The Frisco Independent School District and Parks Department estimate that it generally takes six to 12 months to negotiate and purchase property for a school or park site. The current requirement of 60 days is inadequate. Staff recommends that Section 6 (General Provisions) of the Subdivision Regulation Ordinance be amended to increase this period to one year.

**RECOMMENDATION:**

Recommended for approval subject to Section 6.01 of the Subdivision Regulation Ordinance being amended as follows:

6.01 PARKS, SCHOOL SITES, PUBLIC AREAS

Preliminary plats shall designate sites for schools, parks or other public areas as indicated in the Comprehensive City Plan or in accordance with City Policy. The responsible public authority shall acquire such property within one (1) year of the approval of the preliminary plat by the City Council. Should the responsible public authority not acquire such property within one (1) year of the approval of the preliminary plat by the City Council, the subdivider may proceed with development of the subdivision as though such area were non-existent.

**16. Public Hearing: Zoning Case Z2000-49**

**DM Applicant(s): City of Frisco**

A request to amend the Comprehensive Zoning Ordinance regarding exterior construction requirements for Single-Family, Two-Family, and Townhome districts.

Doug Mousel, Planner reviewed staff comments with the Commission.

Commissioner Hulsey moved to open the meeting for a Public Hearing. Commissioner Ferguson seconded the Motion. Motion carried. Vote - unanimous.

There being no one present to speak for or against the request, Commissioner Hulsey moved to close the meeting for a Public Hearing. Commissioner Ferguson seconded the Motion. Motion carried. Vote - unanimous.

Following review and discussion, Commissioner Caplan moved to approve the request subject to Staff Comments. Commissioner Hulsey seconded the Motion. Motion carried. Vote - unanimous.

**REMARKS:**

At their August 8, 2000 meeting, the Planning and Zoning Commission called a public hearing to consider amending the Comprehensive Zoning Ordinance regarding exterior construction requirements for Single-Family, Two-Family, and Townhome districts. The Zoning Ordinance requires the exterior facades of the first story of single-family homes, two-family homes, and townhomes to be constructed of a minimum of 75 percent masonry with not less than 50 percent of any facade being of masonry construction. The ordinance is not clear to whether the 50 percent requirement applies to additional stories. The Building Inspections Department has traditionally applied this requirement to additional stories. Because the requirement is not clear, several homebuilders have recently questioned Building Inspections' interpretation of the requirement. Staff recommends that the ordinance be amended to clarify this requirement. Staff recommends that Section 36 (Special and Additional Supplementary Regulations) of the Comprehensive Zoning Ordinance be amended to require 75% masonry construction for all facades with no facade being less than 50% masonry construction.

**RECOMMENDATION:**

Recommended for approval subject to Section 36.9(A) of the Comprehensive Zoning Ordinance being amended as follows:

**36.9 Exterior Construction of Main Buildings**

- A. All exterior facades of a main building or structure in the RE, SF-1, SF-2, SF-3, SF-4, SF-5, PH, TH, and PD Districts shall be constructed of a minimum of seventy-five percent (75%) masonry with no single facade consisting of less than fifty percent (50%) masonry construction. In the "A" District, a main building or structure may be constructed of wood or an equivalent material.

**17. Public Hearing: Specific Use Permit SUP2000-30**

**DM Applicant(s): Briar Preston Ridge Partners, L.P. and Café Crisp Restaurants Frisco, L.P.**

A request for a Specific Use Permit for a Private Club to serve alcoholic beverages in conjunction with the operation of a restaurant on 0.1± acre located 330± feet north of Gaylord Parkway, 700± feet west of Preston Road. Zoned Planned Development-25. Neighborhood #35.

Commissioner Seifert stepped down from the table due to a conflict of interest.

Doug Mousel, Planner requested this item remain on the table for further staff review.

Commissioner Hulsey moved to table this item to the September 12, 2000 Planning and Zoning meeting and continue the Public Hearing. Commissioner Ferguson seconded the Motion. Motion carried. Vote - unanimous.

Commissioner Seifert returned to the table.

**18. Public Hearing: Zoning Case SUP2000-31**

**SN Applicant(s): Bent Tree 21<sup>st</sup> Century Fitness**

Request for a Special Use Permit (SUP) for a Private Club to serve alcoholic beverages in conjunction with the operation of a restaurant on one lot on 1.9± acres on east side of Parkwood Boulevard 750± feet north of S. H. 121. Zoned Planned-Development-25 Business Center. Neighborhood #25.

Doug Mousel, Planner reviewed staff comments with the Commission.

Commissioner Ferguson moved to open the meeting for a Public Hearing. Commissioner Hulsey seconded the Motion. Motion carried. Vote - unanimous.

There being no one present to speak for or against the request, Commissioner Ferguson moved to close the meeting for a Public Hearing. Commissioner Hulsey seconded the Motion. Motion carried. Vote - unanimous.

Following review and discussion, Commissioner Hulsey moved to approve the request subject to Staff Comments. Commissioner Ferguson seconded the Motion. Motion carried. Vote - unanimous.

**REMARKS:**

The applicant is requesting a SUP for a Private Club to serve alcoholic beverages in conjunction with the operation of a Tejas Grill restaurant. Adequate access, utilities, and parking are provided to accommodate this use.

**ADJACENT ZONING AND LAND USES**

Direction	Land Use	Zoning	Comprehensive Plan
North	Vacant-proposed restaurant	Planned Development-25 Bus	Retail
East	Vacant-proposed Retail	Planned Development-25 Bus	Retail
South	Vacant-proposed restaurant	Planned Development-25 Bus	Retail
West	Vacant-proposed Retail	Planned Development-25 Bus	Retail

**Outdoor special event area**

The site plan shows a shaded area that the applicant is requesting to be utilized for special outdoor activities. The applicant has provided 111 parking spaces when only 94 parking spaces are required. The shaded area for out door events includes 46 parking spaces. At the time of the event the restaurant will be 29 parking spaces short of the required number for operation of the restaurant. This project is the first proposed development on this out parcel to the mall. Additional development plans have been submitted and construction will be occurring in the near future. The number of extra parking spaces that will be available is not known at this time. The applicant is working with the adjacent properties or property owners including the Stonebriar Mall to provide cross parking agreements to meet the parking needs of restaurant and the special event area during the time the 46 parking spaces are blocked off. Staff doesn't have any concerns about the restaurant having the private club for the normal operations of a full service restaurant. Staff has some reservations about the parking needs for an outdoor special event on the property. Permits for each event will be granted through the Building Inspection and Code Enforcement Departments to ensure that the applicants are meeting the applicable health, fire and other safety code requirements. Staff feel that the special events area should only be approved with submission of a filed cross parking agreement that provides the necessary parking.

The City currently has an ordinance that regulates special events through permits issued by the Building Inspection Department. A permit will be required for each event on an individual basis. The area shown on the exhibit will have additional parking requirements for one parking space for each three people accommodated in the area.

**Specific Use Permit Criteria**

The Zoning Ordinance lists four criteria for approval of a Specific Use Permit.

1. Is the property harmonious and compatible with its surrounding existing uses or proposed uses? The surrounding properties are being developed as retail uses. It is not unusual to find this type of use in a retail shopping center. The proposed use is harmonious and compatible with existing and proposed uses. To ensure the building is compatible with the other development along Preston Road and around the mall, a percentage of natural stone should be incorporated into the approval of the Specific Use Permit. Staff recommends that a stipulation of 25 percent natural stone be incorporated in the approval of the Specific Use Permit.
2. Are the activities requested by the applicant normally associated with the requested use? Full service restaurants typically serve alcoholic beverages. The use of an outdoor area for seasonal or special events common in theme restaurants such as Benagan's St. Patrick's celebration.
3. Is the nature of the use reasonable. Most restaurants serve alcoholic beverages as a convenience to their customers. The nature of the use is reasonable. The outdoor area should be limited to the amount of available parking that is obtained through cross parking agreements. The permits for each special even will need to be supported with off-site parking accommodations subject to space being use for that individual event.
4. Has any impact on the surrounding area been mitigated? Adequate parking and access are provided. Staff recommends that a cross parking agreement be filled to allow shared parking between adjacent properties during peak business and special events. Special event permits will not be issued without adequate parking being provided.

The request meets all four criteria for approval of a Specific Use Permit. Staff recommends approval of the request.

**RECOMMENDATION:**

Recommended for approval subject to:

1. A minimum of 25 percent natural stone be use on the façade of the building.
2. Cross parking agreement be filed that includes the adjacent properties and retail center.

**19. Public Hearing: Zoning Case SUP2000-32**

**SN Applicant(s): Posados Café, Inc.**

Request for a Special Use Permit (SUP) for a Private Club to serve alcoholic beverages in conjunction with the operation of a restaurant on one lot on 1.4± acres on the north side of S. H 121 800± feet west of future Ohio Drive. Zoned Highway. Neighborhood #29.

Doug Mousel, Planner requested this item remain on the table for further staff review.

Commissioner Hulsey moved to table this item to the September 12, 2000 Planning and Zoning meeting and continue the Public Hearing. Commissioner Seifert seconded the Motion. Motion carried. Vote - unanimous.

**20. Public Hearing: Zoning Case SUP2000-33**

**SN Applicant(s): SPC NEC LTD & Brinker International.**

Request for a Special Use Permit (SUP) for a Private Club to serve alcoholic beverages in conjunction with the operation of a restaurant on one lot on 1.5± acres on the southeast corner of Preston Road and Gaylord Parkway. Zoned Highway. Neighborhood #29.

Commissioner Seifert stepped down from the table due to a conflict of interest.

Doug Mousel, Planner requested this item remain on the table for further staff review.



Commissioner Hulsey moved to table this item to the September 12, 2000 Planning and Zoning meeting and continue the Public Hearing. Commissioner Ferguson seconded the Motion. Motion carried. Vote - unanimous.

Commissioner Seifert returned to the table.

**21. Public Hearing: Zoning Case Z2000-44**

**SN Applicant(s): City of Frisco**

Request to amend the Subdivision Ordinance regarding street length.

Doug Mousel, Planner requested this item remain on the table for further staff review. John Lettelleir, Director of Planning answered questions from the Commission.

Commissioner Caplan moved to table this item to the September 26, 2000 Planning and Zoning meeting and continue the Public Hearing. Commissioner Seifert seconded the Motion. Motion carried. Vote - unanimous.

**22. Public Hearing: Zoning Case Z2000-45**

**SN Applicant(s): Hunter tract Associates, L.P.**

Request to amend 58.6± acres of Planned Development-75 Single Family on the northwest corner of The Trails Parkway and future Smotherman Road. Zoned Planned Development-75-Single-Family. Neighborhood #44.

Doug Mousel, Planner requested this item remain on the table for further staff review.

Commissioner Caplan moved to table this item to the September 12, 2000 Planning and Zoning meeting and continue the Public Hearing. Commissioner Hulsey seconded the Motion. Motion carried. Vote - unanimous.

**23. Public Hearing: Replat and Final Plat: Heritage Lakes, Phase 1, Block F, Tract 1 and Heritage Lakes - Phase 3**

**DM Applicant(s): Heritage Lakes Joint Venture and Blackard Developments**

33 Patio Home lots on 7.7± acres on the south side of Lebanon Road, 2,700± feet west of the Burlington Northern-Santa Fe Railroad and 72 Single-Family-5 lots and an open space lot on 44.9± acres on the southwest corner of Lebanon Road and the Burlington Northern-Santa Fe Railroad. Zoned Planned Development-80. Neighborhood #36.

Doug Mousel, Planner reviewed staff comments with the Commission.

Commissioner Caplan moved to open the meeting for a Public Hearing. Commissioner Ferguson seconded the Motion. Motion carried. Vote - unanimous.

Chas Fitzgerald was present and spoke in favor of the request. There being no one else present to speak for or against the request, Commissioner Hulsey moved to close the meeting for a Public Hearing. Commissioner Seifert seconded the Motion. Motion carried. Vote - unanimous.

Following review and discussion, Commissioner Hulsey moved to approve the request subject to Staff Comments. Commissioner Ferguson seconded the Motion. Motion carried. Vote - 3-1.

Voting aye: Commissioners Ferguson, Seifert and Hulsey.

Voting nay: Commissioner Caplan.

#### **REMARKS:**

The final plat shows 33 Patio Home lots (Parcel One) and 72 Single-Family-5 lots (Parcel Two) to be developed to Planned Development-80 standards and an open space lot. Access is provided to Parcel One from Lebanon Road and through Heritage Lakes - Phase 1 and 2. Access is provided to Parcel Two from Lebanon Road and through Heritage Lakes - Phase 1. Planned Development-80 requires all lots backing to open space to have rear yard fencing of wrought iron.

The purpose of the replat is to incorporate a portion of the previously platted open space tract into single-family lots to be platted as part of Heritage Lakes, Phase 3. The replat reduces the amount of open space previously dedicated with Phase 1 and as shown on the preliminary plat for a future phase by approximately 1.4± acres. A total of 164 gross acres of Patio Home zoning are contained within Planned Development-80. Patio Home development standards require that 15% of the platted area of a Patio Home development be dedicated as open space. Therefore, a total of 24.6 acres of open space is required with the development of Heritage Lakes. Open space has been dedicated or will be dedicated as follows -- Phase 1 (14.518 acres), Phase 2 (9.919 acres), and Phase 3 (15.264 acres). After the proposed reduction in open space, the amount of open space provided still exceeds the amount of open space required by 15.1± acres.

#### Strip of Land

The alignment of Lebanon Road was initially proposed to extend parallel to the northern boundary of Heritage Lakes. This alignment has changed to a curvilinear alignment creating a triangular shaped property to the northwest of Heritage Lakes - Phase 3. A small strip of land contained within this triangle is owned by the developer of Heritage Lakes and was planned as right-of-way for Lebanon Road. Staff has requested that the strip of land either be incorporated into the single-family lots within this plat or sold to the adjacent property owner to avoid a potential undeveloped and neglected strip of land. The applicant has submitted documentation to show their intent of conveying the land to the adjacent property owner. Because the strip of land is zoned Planned Development-80-Patio Home and the adjacent property is zoned Commercial-1, a zoning case must be submitted and the property rezoned to allow the development of non-residential uses. Staff recommends that final acceptance be subject to conveyance of this property from Heritage Lakes J.V. to Colony 275 J.V. to avoid a potential undeveloped and neglected strip of land.

#### Abandonment of Street Easement

A temporary street easement is shown within Parcel One. The easement was provided for temporary alley and street purposes for Heritage Lakes - Phase 2. The easement will not be needed following the construction of alleys and streets within Heritage Lakes - Phase 3 and must be abandoned prior to final acceptance of Phase 3.

#### Overlength Street

The subdivision ordinance states that streets shall not be more than 1,200 feet in length. The combined length of Peace Drive, Trust Lane, and Honor Drive exceeds the maximum street length by 400 feet. The City Council, after

recommendation by the Planning and Zoning Commission, may authorize a variance to the subdivision ordinance provided that the Council finds:

4. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of the subdivision ordinance would deprive the applicant of the reasonable use of his or her land.

There are no special circumstances or conditions that deprive the applicant from reasonable use of the land.

5. That the variance or waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the variance or waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area.

Rather than designing Peace Drive and Honor Drive as two 600-foot cul-de-sacs, the applicant has provided a connection between the two streets, Trust Lane. Although the total length of the streets exceed the maximum street length and the variance is not needed for the preservation and enjoyment of a substantial property right, traffic circulation is actually improved compared to the use of two cul-de-sacs. The variance would not be detrimental to the public health, safety or welfare or injurious to other property in the area.

6. That the granting of the variance or waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of the subdivision ordinance.

The property is bordered by the Burlington Northern-Santa Fe Railroad to the east, open space to the north and south, and Heritage Lakes - Phase 1 to the west. The overlength street does not prevent the orderly subdivision of adjacent property.

Although there are no special circumstances or conditions that deprive the applicant from reasonable use of the land, due to the improved circulation, staff supports the variance for an overlength street.

#### Alley Waiver

Alleys do not serve the lots backing to open space. The concept plan for Planned Development-80 and the preliminary plat were approved with no alleys serving these lots. The Subdivision Ordinance requires alleys to be provided along the rear of all lots, unless the City Council waives the requirement for alleys by determining that utilities and access are adequately provided to the lots. Waiving the alley requirement for the lots will not interrupt solid waste collection patterns or create any circulation problems to these lots. Should lots be designed without lot to lot drainage, staff supports a waiver to the requirement for alleys.

#### **RECOMMENDATION:**

Recommended for approval subject to:

1. Additions and/or alterations to the engineering plans as required by the Engineering Department.
2. Abandonment of the street easement within Parcel One.
3. Filing of all required off-site easements prior to final acceptance of Heritage Lakes - Phase 3.
4. Conveyance of the above referenced strip of land from Heritage Lakes J.V. to Colony 275 J.V prior to final acceptance.
5. City Engineer approval of a waiver to the requirement for alleys.
6. Staff approval of landscape and screening wall plans.

## **END OF PUBLIC HEARINGS**

### **24. General Information**

John Lettelleir, Director of Planning reminded the Commission of the joint work session of the Planning and Zoning Commission and the City Council on September 14, 2000 at 7:30 p.m.

A. Zoning Signs

Mr. Lettelleir informed the Commission that there was a positive response from the community with regard to the zoning signs and that the Planning Department had only had one complaint.

**25. Adjourn**

There being no further business, Commissioner Hulseby moved to adjourn the meeting at 10:35 p.m. Commissioner Ferguson seconded the Motion. Motion carried. Vote - unanimous.

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BUDDY MINETT, Chairman

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JON FERGUSON, Secretary